

**University of Miami School of Law  
Policy on Harassment, Discrimination and Retaliation  
August 23, 2013**

**Equal Opportunity/Non-Discrimination/No Retaliation**

The University of Miami School of Law is committed to the principle of fairness and respect for all and seeks to prohibit discrimination and promote affirmative action in its educational and employment policies and practices. These policies are implemented in compliance with applicable federal, state and local non-discrimination and affirmative action laws and regulations.

No person in the law school community shall, be excluded from participation in, be denied the benefits of, or be subjected to discrimination or harassment under any educational/employment program or activity of the University' School of Law on the basis of race, religion, color, sex, age, disability, sexual orientation, gender identity/expression, veterans status, or national origin. This includes all forms of sexual harassment, sexual violence, domestic violence, dating violence, and stalking in connection with any program of the UM School of Law, including the use of the Internet or other electronic means to engage in harassment or discrimination. Retaliatory actions against any person who has, in good faith, reported a potential violation or any person (other than the complainant) who has participated in a subsequent investigation is also prohibited.

For purposes of this policy, the following definitions shall apply:

- Sexual harassment includes, but is not limited to, physical, or verbal abuse of a sexual nature including sexual remarks used to describe an individual, or unwelcome sexual propositions and physical advances of a sexual nature. Sexual harassment also includes the threat or insinuation that sexual submission, or the lack thereof, will be used as a basis for employment or education decisions affecting or interfering with an individual's salary, academic standing, or other conditions of employment, academic, or career development.
- Sexual violence shall refer to physical sexual acts perpetrated without a person's consent or where a person is incapable of giving consent (whether due to the victim's use of drugs or alcohol, mental or physical disability or unconscious state).
- Domestic violence includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else designated under domestic or family violence law.
- Dating violence means violence by a person who has had or continues to have a romantic or intimate relationship with the victim. The existence of such a relationship will be determined by the length, type, and frequency of interaction.

- Stalking means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.
- These prohibitions apply to the use of the Internet or other electronic means (including cellphones and social media platforms) to engage in harassment, discrimination, or retaliation.

## **A. Complaint Procedures**

The UM School of Law has several options for students, staff and faculty who believe that they have been subjected to discrimination, harassment (including sexual violence, domestic violence, dating violence and stalking) or retaliation:

- 1) Seeking information and confidential advice (in writing, in person or by phone)
- 2) Soliciting the aid of the Law School in attempting to reach a resolution through informal, non-disciplinary procedures and
- 3) Filing a complaint against the alleged harasser that would lead to a formal investigation and disciplinary sanctions as appropriate.

A complaint should include the following: the name(s) of the complainant(s), the accused, and any witnesses; the date, time, location and details of the incident (s); and the desired resolution. Students who do not provide this information may impede a thorough investigation of the complaint.

Complaints should be addressed to the following, subject to the (1)-(4) below.

University of Miami Title IX Coordinator

Wilhemena Black  
Executive Director  
Equality Administration  
Email:  
Phone: 305-284-3064

Title IX Deputy Coordinator

Amy Bowen  
Associate Director  
Equality Administration  
Email:  
Phone: 305-284-3064

Title IX Deputy Coordinator (Law School)

Janet Stearns  
Dean of Students  
School of Law  
Email: [jstearns@law.miami.edu](mailto:jstearns@law.miami.edu)  
Phone: 305-284-4551

Subject to the University's statutory disclosure requirements under the Clery Act or any other applicable statutes, all reasonable efforts will be made to preserve and protect the confidentiality of all parties involved, provided that these efforts do not interfere with the University's ability to investigate and take appropriate corrective action. Students are encouraged to file a complaint within thirty (30) calendar days from the date the incident occurred; however, if extenuating circumstances occur, complaints may be filed later

than the 30-day period. Retaliation or subsequent harassment against a student who

files such a complaint or participates in an investigation is prohibited. This policy pertains to programs and activities that take place at the School of Law as well as off-campus programs and activities.

Law School Students should report their complaints as follows:

### **1. Student - Student Complaint**

Complaints of discrimination, harassment (including sexual violence, domestic violence, dating violence and stalking) or retaliation by a University student against another University student shall be reported to the Dean of Students. Students who assert complaints of harassment, sexual violence, domestic violence, dating violence, and/or stalking, will be informed of their right to also report the incident/s to the University Police and/or the appropriate law enforcement agency. If the student has obtained a judicial no-contact or restraining order as a result of the incident/s, a copy should be provided to the Dean of Students so that the School of Law may take appropriate steps if necessary.

### **2. Student - Faculty Complaint**

Complaints of discrimination, harassment or retaliation by a faculty member against a law school student shall be reported to the Equality Administration Office as noted above. A Faculty Sexual Harassment Counselor will collaborate with the Equality Administration Office and other appropriate individuals and offices, as necessary, to investigate the complaint.

### **3. Student - Administrator / Employee Complaint**

Complaints of discrimination, harassment or retaliation by an administrator/employee against a law school student shall be reported to the Equality Administration Office as noted above. The Equality Administration Office will collaborate with the other appropriate individuals and offices, as necessary, to investigate the complaint.

### **4. Student - Third Party Complaint**

Complaints of discrimination, harassment, or retaliation by a third party (including visitors, patients, applicants, vendors, others) against a law school student shall be reported to the Equality Administration Office as noted above. The Equality Administration Office will collaborate with other appropriate individuals and offices, as necessary, to investigate the complaint.

### **B. Interim Measures**

The Dean and/or Dean of Students have the right to take any interim protective measures during the pendency of any informal or informal complaint for the protection of the complainant. These include, but are not limited to class changes, limitation on club or committee participation, or temporary suspension as authorized by the UM School of Law Student Handbook. The Dean may take such other appropriate measures including removing a faculty member from supervising an independent study, grading exams or handling references or recommendations.

### **C. Investigation**

Upon the submission of a complaint by a student, the Title IX Coordinator (Dean of Students or the Equality Administration Official) shall notify the Dean of the Law School of the commencement of the investigation. Normally, the investigating office shall have fifteen (15) business days to investigate the charges of discrimination/harassment. Such investigations shall consist of, but not limited to, interviewing the parties involved, interviewing witnesses with relevant and material information, and reviewing related supporting documents.

Any individual who knowingly provides false information in connection with the filing of a complaint of discrimination, harassment or retaliation, or during an investigation of a complaint, will be subject to appropriate discipline, up to and including dismissal from the University in accordance with applicable policies and procedures.

Except in cases where the accused is a student, at the conclusion of the investigation, the Title IX Coordinator (Dean of Students or the Equality Administration Official) shall notify the Dean of the Law School of the results of the investigation and collaborate on the resolution and implementation of any corrective action, as well as follow up in writing with the student/respondent regarding the complaint.

1. In cases when the accused is a student, all aspects of the investigation and any subsequent hearing(s), appeal(s) and/or corrective action(s) will be conducted and implemented in accordance with the Disciplinary Proceedings for Cases Involving Perceived Sex Discrimination and the Major Disciplinary Procedures, as set forth in the University of Miami Student Rights and Responsibilities Handbook for undergraduate and graduate students.  
<http://www6.miami.edu/dean-students/srr.pdf>

2. In the case where the accused is a faculty member, the matter shall be reviewed by the Vice Provost for Faculty Affairs who, with the Provost, shall make a determination as to whether the charge is to be referred to the Committee on Professional Conduct for processing in accordance with the procedures set forth in the Faculty Manual. Please consult the Faculty Manual for details. Separate and apart from a referral to the Committee on Professional Conduct, the Equality Administration Office, the Vice Provost for Faculty Affairs and/or the Dean of the School of Law may take appropriate corrective action(s). At the conclusion of the investigation, the student and the faculty member will be informed of the investigation's findings and any corrective actions.

3. In the case where the accused is an administrator/employee, the Equality Administration Office will conduct an investigation and, in conjunction with the Dean of the School of Law, shall implement appropriate corrective action to be taken. At the conclusion of the investigation, the student and the employee will be informed of the investigation's findings and any corrective actions.

A complainant not satisfied with the decision shall have ten (10) working days to request an appeal in writing to the University's Vice President for Human Resources. A request for an appeal by the complainant or respondent shall state specific reasons why the findings/resolution was improper. The appeal is limited to considering evidence not previously available to the Equality Administration office (or designee). The Equality Administration Office will provide the Vice President with the written record of the investigation, the decision and other appropriate documentation not previously available.

The Vice President for Human Resources shall review the findings and respond to the request within ten (10) working days. If the Vice President for Human Resources determines that the decision is not supported by the evidence, the complaint will be

reopened for further investigation. If the Vice President for Human Resources determines that the investigation was thorough and complete, the request for an appeal shall be denied, and the complainant/respondent will be notified that the internal discrimination complaint procedure is complete. The decision of the Vice President will be final.

#### **E. Outreach and Educational Initiatives**

The Dean shall appoint a committee of faculty, students and staff to work with the Dean of Students to ensure appropriate outreach and education regarding this policy and the complaint procedure. The goal of said committee shall be to implement the spirit of this Policy and provide feedback on strategies to improve its implementation.

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